

MIDDLETOWN TOWN COUNCIL  
MEETING MINUTES  
February 13, 2011

The Middletown Town Council Meeting was held in the Council Chamber, 7875 Church Street, Middletown, VA on Monday, February 13, 2011 at 7:00 pm.

**Town Council Present**

Mayor Marshall Brown  
Councilor Gil Barrington  
Councilor Carl H. Bernhards  
Councilor John Blaisdell  
Councilor Mark H. Davis  
Councilor Donna M. G. Gray  
Councilor Charles H. Harbaugh, IV.

**Staff Present**

Rebecca L. Layman, Municipal Clerk  
Donald Riffey, Superintendent of Public Works  
R. Philip Breeden, Chief of Police

**Town Attorney**

J. David Griffin

**1. Call to Order**

Mayor Brown called the meeting to order at 7:00 p.m.

**2. Moment of Silence**

Mayor Brown called for a moment of silence, and asks that we keep in mind the Whitacre Family and the community of Gore for the loss of a firefighter.

**3. Pledge of Allegiance**

Mayor Brown led those present in the Pledge of Allegiance.

**4. Roll Call**

All Councilors were present.

**5. Set Agenda.**

Mayor Brown asked for any changes or additions to the agenda. Councilor Bernhards stated he would like to remove item 14A from the agenda, because he was not aware of appointing a new comprehensive plan committee. Mayor Brown stated that is the prerogative of the Mayor to appointment a new committee and it will remain on the agenda. Mayor Brown also would like to adjust the agenda to add between items 12 and 13 an executive session to discuss a personal matter. Mayor Brown asked for a motion to make these adjustments to the agenda. Councilor Blaisdell made the motion to set the agenda with the changes. Councilor Barrington seconded the motion. Mayor Brown asked for any final comments. Councilor Davis suggested that the executive session be moved to the end of the meeting so that if the citizens are interested in other things on the agenda they don't have to wait for us to come out of executive session. Mayor Brown stated that there is not too much more on the agenda after that and he feels we can take care of it at this point and most of the main business will be done by that time. All councilors were in favor with the exception of Councilor Bernhards.

**6. Citizen Comments.**

Susan Chewning 2176 Shawn Drive – Mrs. Chewning stated that the Town website is really nice and she knows that Becky has worked really hard on it. There is constant talk of money and no money and how things are really bad. Mrs. Chewning stated that she came to the office today and got budgetary figures from 2009, and this year's current budget and she knows we have been over budget figures before when this budget was set. Just to show you in the past 2 to 3 years there has been no raises for County employees and they have cut things, but in Middletown our administrative cost and this is just salaries and no benefits \$78,475 and for this year it is \$127,042, police cost is \$119,002 and this year it is \$161,824, for the maintenance and she understands the sewage system \$80,200 and is now \$191,127 and that does not include health insurance, workers comp, social security. How long can the Town sustain with the increases that we are having with personnel, and she does not want to see anyone lose their job. When budget figures were being questioned, there was an absorbent amount of water and sewer and connection fees, and building sign permits. The budgeted amount for building and sign permits was \$28,645 for this year and to date 7 months into the budget you have only received \$6,652. The water and sewer connection fees budgeted water was \$22,500 and sewer was \$32,500 and again 7 months into the budget the Town has collected zero. People in Middletown feel like no one listen and Mrs. Chewning stated that 60+ years of living in Middletown this is the first time she has ever had to say she is embarrassed by the bickering and arguing. The agenda of this administration is to take care of the citizen in Middletown. The Town Charter did not give us a king or dictator it gave us a Mayor and Council.

#### **7. Approval of Previous Council Meeting Minutes**

Councilor Blaisdell made a motion to approve the minutes from the January 9, 2012 Town Council meeting. Councilor Barrington seconded the motion. Mayor Brown asked for questions or comments. All Councilors were in favor with the exception of Councilor Bernhards. The minutes were approved.

#### **8. Report of the Facilities Committee**

Councilor Davis had nothing to report other than the Town Hall roof was repaired.

#### **9. Report of the Personnel and Finance Committee**

Councilor Bernhards gave the Treasurer's Report.

Councilor Bernhards made a motion to pay the bills. Councilor Harbaugh seconded the motion. Mayor Brown asked for questions or comments. Councilor Gray had a question on check number 2148 to Shade Equipment for \$650.00. Mayor Brown asked Donald Riffey to explain what this was for. Mr. Riffey stated it was for a plow harness and that he sold scrap metal to purchase this. Councilor Bernhards read an email from the auditors that they will be sending a report by the end of February. Councilor Bernhards also stated that due to the loan the Town has with VRA and the Waste Water Treatment Plant we will need to make another motion to have an annual audit and what firm to go with.

#### **10. Report of the Public Works Committee**

Councilor Harbaugh has a third and final reading of a Water Ordinance, but would like to notify Council that these figures are slightly different with the rates of the non-profit, commercial and industrial than the ones we looked at previously, and maybe a simple error of 2 or 3 cents, but Council should be made aware of this. Councilor Davis stated that it should be pretty simple that we are just adding .66 cents to each of our rates. Councilor Harbaugh made a motion for the Third and Final reading of "AN ORDINANCE TO AMEND WATER, CHAPTER 15, ARTICLE III, WATER RATES AND CHARGES, SEC. 15-25 (A), SCHEDULE, OF THE CODE OF THE TOWN OF MIDDLETOWN, VIRGINIA FOR A .66 CENTS PER THOUSAND GALLON WATER INCREASE" Councilor Blaisdell seconded the motion. Councilor Davis clarified that non-profit rate is going up to \$5.37, commercial rate is going up to \$7.42, and industrial rate is going up to \$12.93. Mayor Brown stated the Treasurer may have rounded those figures to the nearest nickel for accounting purposes, but he cannot verify that. Councilor Davis stated that this is all handled by computers and computers don't care if it is rounded to the nearest nickel and is no more difficult. Councilor Davis stated if we are being charged .66 cents more than we should charge our customer .66 cents more. Councilor Bernhards stated that there were no discussions as to

when this was going to take effect. Town Attorney Griffin recommended that it take effect next billing cycle. Mayor Brown asked all in favor of starting in May to raise their hands so he can get a count and there were 3. All those in favor for July raise your hand and there were 3. Mayor Brown broke the tie with starting in May. Councilor Gray asked why we are voting on this to begin with when the practice of this administration in the past was not to vote on anything the same night as a public hearing. Mayor Brown stated that in the past we have voted the same night as a public hearing. Councilor Gray stated very seldom especially if a citizen speaks. Mayor Brown stated if there has been a significant public outcry for bringing up new information about a vote than yes we have delayed the third and final, but since there is not any significant information brought forward as to why we should not have a rate increase and this is in response to a rate increase from Winchester we don't have much choice we still have to raise the rates. Mayor Brown asked for an amended motion. Councilor Harbaugh made an amended motion "AN ORDINANCE TO AMEND WATER, CHAPTER 15, ARTICLE III, WATER RATES AND CHARGES, SEC. 15-25 (A), SCHEDULE, OF THE CODE OF THE TOWN OF MIDDLETOWN, VIRGINIA FOR A .66 CENTS PER THOUSAND GALLON WATER INCREASE STARTING IN THE MONTH OF MAY" Councilor Blaisdell seconded the motion. Councilor Davis wanted to clarify that our water system delivering cash flow is not in the red that is not true it has been analyzed and we are in the black with our water we are unfortunately in the red for our sewer. Mayor Brown stated that we are in the red for both water and sewer and that is based on our Treasurer's report to us. Councilor Davis stated that those figures are wrong. Mayor Brown asked for a roll call vote.

Councilor Bernhards – Yes

Councilor Gray – No

Councilor Harbaugh – Yes

Councilor Blaisdell – Yes

Councilor Barrington – Yes

Councilor Davis – Yes

Motion carried 5-1

#### **11. Report of Public Safety Committee**

Report of the Police Department given by Chief Breeden (attached).

#### **12. Report of the Ordinance Committee**

Councilor Gray had nothing to report.

Councilor Barrington made a motion to go into to closed session. Councilor Blaisdell seconded the motion. All councilors were in favor with the exception of Councilor Bernhards. Councilor Barrington read into the record "I move that the Council of the Town of Middletown enter a Closed Session pursuant to Section 2.2-3711A (1) and A (7) for the purpose of discussion of assignment, appointment, performance and resignation of specific public officers, appointees and employees of this public body as well as for consultation with legal counsel employed by the Town regarding specific legal matters requiring the provision of legal advice by such counsel. I ask that there be a five minute break following voting on the motion to allow the Council chamber to clear. Councilor Barrington closed the meeting by reading "Whereas, the Middletown Council has convened an Executive Meeting on this date pursuant to an affirmative agreement of the Council and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.2-3712. (D) of the Code of Virginia requires a certification by the Council that such Executive Meeting was conducted in conformity with Virginia Law; Now, Therefore, Be It Resolved, that the Council Members hereby certifies that, to the best of each member's knowledge, only matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting to which this certification resolution applies, and only such public business matters as were identified in the agreement convening the Executive Meeting were heard, discussed or considered by the Council. Mayor Brown stated the reason for the closed session was for item 16 on the agenda the resignation of Zoning Administrator. Mayor Brown asked if Mr. Wharton cared to have that as stated or did he want to modify that. Mr. Wharton stated that he wanted to modify his resignation to just resign from the Planning Commission and would like to continue as the Zoning

Administrator. Mayor Brown asked if Council accepted Mr. Wharton's resignation from the planning portion. Councilor Bernhards stated that he did not feel like the council should be voting on a resignation. Councilor Blaisdell stated in the past that there were votes on resignation of government employees. Mayor Brown stated that during the closed session the Council agreed to retain Mr. Wharton as the Zoning Administrator on a consulting basis fee of \$25.00 an hour. Councilor Barrington made a motion to retain Mr. Wharton as the Zoning Administrator on a consulting basis fee of \$25.00 an hour. Councilor Blaisdell seconded the motion. Mayor Brown asked for a roll call vote.

Councilor Bernhards – No  
Councilor Harbaugh – Yes  
Councilor Barrington – Yes

Councilor Gray – Yes  
Councilor Blaisdell – Yes  
Councilor Davis – Yes

Motion carried 5-1

### **13. Report of the Planning and Zoning Committee**

Councilor Blaisdell asked for a proposed zoning B-2 section of Reliance Road and a proposed boundary adjustment across I-81 even if it is a rough draft. Mayor Brown asked if Mr. McCauley would see to it that Councilor Blaisdell receive this information.

### **14. Report of Special Committees**

Mayor Brown stated the appointment of a new Comprehensive Plan Committee is one of the prerogatives of the Mayor to appoint special committees. This is due to the Planning Commission not meeting their responsibilities and has failed to review and make any recommendation for the amendment to the 2005 Comprehensive Plan. Mayor Brown, here by, now directs an immediate implementation of a Comprehensive Plan review committee. The members of the committee will compromise all the members of the Planning Commission and the Town Manager. The committee will meet in the Town Council Chambers every day at 9:00 a.m. Monday – Saturday starting tomorrow morning until this review is completed and any and all amendments are made.

Councilor Harbaugh stated the first July 4<sup>th</sup> meeting will be held on February 15 @ 7:00 p.m. at Town Hall.

Councilor Bernhards reported that he represented the Town at new press conference held at Belle Grove on a Civil War Trust fund raising campaign.

### **15. New or Unfinished Business**

Next Committee Meeting will be February 21 @ 7:00 p.m.

Next Work Session Meeting will be March 5 @ 7:00 p.m.

### **16. Petitions and Communication**

A thank you note from the Blue Ridge Realtors Association to Mayor Brown for his presentation on Middletown.

### **17. Adjournment**

Councilor Barrington made a motion to adjourn. Councilor Blaisdell seconded the motion. All Councilors were in favor. Meeting adjourned at 8:15 pm.

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Marshall J. Brown, Mayor

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Rebecca L. Layman  
Town Clerk